

Salisbury, North Carolina
June 19, 2018

REGULAR MEETING

PRESENT: Mayor Al Heggins, Presiding; Mayor Pro Tem David Post; Council Members Karen Alexander, William Brian Miller, and Tamara Sheffield; City Manager W. Lane Bailey; Deputy Clerk Emily Michael, and City Attorney F. Rivers Lawther, Jr.

ABSENT: City Clerk Diane Gilmore.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Heggins at 5:05 p.m.

PLEDGE OF ALLEGIANCE

Mayor Heggins led those present in the Pledge of Allegiance to the United States flag.

RECOGNITION OF VISITORS

Mayor Heggins welcomed all visitors who were in attendance.

CHANGES TO THE AGENDA

Mayor Heggins noted the following changes to the Agenda:

Add Proclamations recognizing Juneteenth and Salisbury Pride Day.

Postpone the approval of the Minutes of the Special Meetings of March 21 and 22, 2018 and adopt the Minutes of the Regular Meeting of May 15, 2018.

PROCLAMATION

Mayor to proclaim the following observances:

JUNETEENTH
SALISBURY PRIDE DAY

June 19, 2018
June 23, 2018

Mayor Heggins read the Juneteenth and Salisbury Pride Day Proclamations. She presented a copy of the Salisbury Pride Day Proclamation to representatives of Salisbury Pride.

RECOGNITION – SALISBURY FIREFIGHTERS

Fire Chief Bob Parnell and Battalion Chief Tyler Forrest addressed Council regarding a rescue involving Salisbury Firefighters. Chief Parnell explained on April 14, 2018 two skydivers were blown off course and suspended in a tree.

Mr. Forrest explained the incident took place deep in the woods and the skydivers were connected via a tandem harness. He added the victims had small lacerations, but refused transport for medical treatment. He pointed out the firefighters' training was critical to the success of the rescue, and introduced the firefighters involved:

- Captain Cory Orbison
- Engineer Halsey Hoosier
- Captain James Farley
- Engineer Jarred Hoke
- Fire Control Specialist Jason Verbeke
- Fire Control Specialist Derry Brown
- Fire Control Specialist Jacob Vodochodsky

RECOGNITION – HENDERSON INDEPENDENT HIGH SCHOOL STUDENTS

Henderson Independent High School Principal Arlisa Armond explained the school has partnered with the Center for Faith and the Arts to create a spoken word group. She stated students in the program experienced transformational changes in their grades, behavior and mindset. Students Chris Peeler and Alandra Stevens read two of their original works of poetry.

INTRODUCTION – 2018 SUMMER YOUTH EMPLOYMENT PROGRAM

Human Resources Specialist Brianna Price introduced the five summer youth employees who will work with the City for eight weeks through the Summer Youth Employment Program:

Mr. Ikey Harrison

Ms. Gwendalyn Watkins
Ms. Tayvion Ward
Ms. Tyra Ward
Ms. Zyaira Smyre,

Ms. Price stated each employee will work with four City departments during their internship. She pointed out 14 students applied for the program. She noted the summer youth employees will share their experiences with Council at its August 7, 2018 meeting.

CONSENT AGENDA

(a) Minutes

Adopt Minutes of the Special Meeting of March 21 and 22, 2018 and the Regular Meeting of May 15, 2018.

(b) Right-of-Way Approval

Approve a request from AT&T to install directional bored duct and down guys within the City Right-of-Way in accordance with Section 11-24(27) of the City Code.

(c) Budget Ordinance Amendment – Donations

Adopt a Budget Ordinance amendment to the FY2017-2018 budget in the amount of \$42,094 to appropriate donations for the Parks and Recreation Department.

ORDINANCE AMENDING THE 2017-2018 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE DONATIONS FOR THE PARKS AND RECREATION DEPARTMENT.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 59 and is known as Ordinance 2018-24.)

(d) Budget Ordinance Amendment – Public Art Committee

Adopt a Budget Ordinance amendment to the FY2017-2018 budget in the amount of \$13,620 to appropriate Sculpture Show donations.

ORDINANCE AMENDING THE 2017-2018 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE SCULPTURE SHOW DONATIONS.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 60 and is known as Ordinance 2018-25.)

Thereupon, Councilmember Alexander made a **motion** to adopt the Consent Agenda with noted changes. Councilmember Miller seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

CONTRACT – MAIN STREET PROGRAM

Planning and Community Development Director Janet Gapen addressed Council regarding the Main Street Program. She explained in 2015 North Carolina General Statutes were changed regarding the management of Municipal Service District (MSD) taxes and the services they provide. She stated cities must go through a Request for Proposal (RFP) process to select a qualified non-profit or firm to manage the services. She noted the contract can last for one to five years.

Ms. Gapen stated the City published an RFP and advertised on May 15, 2018. She noted Downtown Salisbury, Inc. (DSI) was the only responsive bidder. She explained DSI is an accredited Main Street Program that meets the qualification and is recognized by the National and State Main Street Programs. She pointed out DSI has a 38-year record of performance and positive results in the downtown. She added the contract would be for the MSD tax proceeds for Fiscal Year 2018-2019 projected to be approximately \$135,000. She noted the contract would be renewable annually through June 30, 2023.

Mayor Heggins stated the contract will be good through 2023. Ms. Gapen clarified the contract is renewable annually through 2023. Mayor Heggins asked if the renewal rate would remain consistent at \$135,000. Ms. Gapen explained MSD taxes fluctuate from year to year, and she noted the contract would be for the MSD taxes available for the particular year. She pointed out MSD taxes are collected through Rowan County and used for downtown promotions and services.

Mayor Heggins requested clarification regarding the collection of MSD taxes. Ms. Gapen explained the MSD is a business improvement district under North Carolina General Statutes that is designated to collect a tax, in addition to regular property tax, to fund services that support and promote downtown economic development and business activity. Councilmember Alexander noted property owners in the MSD pay into the fund.

Mayor Pro Tem Post commented MSD funds are used to make the debt service payments on the Empire Hotel. He pointed out the debt service payment on the Empire Hotel is approximately \$90,000 to \$100,000 which leaves approximately \$35,000 to \$40,000 to support and promote downtown. Ms. Gapen noted a proposed budget was presented to Council in its packet and the bulk of the funds go to promotional activities.

Councilmember Alexander noted the MSD tax proceeds do not make up the entire DSI budget, and she added other funds go toward downtown promotions. Ms. Gapen pointed out some events have sponsorship and generate revenue that is used for promotional activities.

Councilmember Sheffield asked for clarification regarding the proposed five-year renewable contract. Ms. Gapen explained the proposed contract would be for the upcoming year and could be renewed annually for up to five years without requiring additional action from Council. Councilmember Miller clarified the law requires the City contract with a partner for up to five years. Ms. Gapen agreed. Councilmember Miller noted the budget would be brought before Council annually.

(b) Mayor Heggins convened a public hearing, after due notice thereof, to receive comments regarding a contract with DSI to manage and administer the Main Street Program within the MSD.

Ms. Renee McNutt asked if the City pays the debt service payment for the Empire Hotel. Councilmember Miller explained DSI owns the Empire Hotel property. He noted it was purchased by DSI at the request of a previous Council, and the City makes the payment through DSI's budget.

Ms. Pam Coffield stated she was part of the original group of merchants and property owners who initiated the MSD self-tax to help build a vibrant downtown. She commented she supports the MSD tax, and she thanked City leaders for their support of downtown.

There being no one else to address Council, Mayor Heggins closed the public hearing.

Mayor Pro Tem Post asked if an individual business can opt-out of the MSD. Councilmember Miller noted a business cannot opt out of the MSD if it is included in the business district. He added DSI Board Chair Greg Shields supports the proposed contract with DSI.

Thereupon, Councilmember Miller made a **motion** to award a contract of approximately \$135,000 or the amount equivalent to Municipal Service District taxes to be received in Fiscal Year 2018-2019, to Downtown Salisbury Incorporated. Councilmember Alexander seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

REPORT – FAIR HOUSING TESTING

Planning and Community Development Director Janet Gapen and Mr. Jeffery Dillman, Co-Director of the Legal Aid Fair Housing Project, addressed Council regarding fair housing testing conducted by Legal Aid of North Carolina.

Ms. Gapen stated the City contracted with Legal Aid to conduct fair housing testing as recommended by the City's Analysis of Impediments to Fair Housing. Mr. Dillman noted fair housing testing is an investigative technique that is used nationwide to examine the practices of housing providers and to evaluate their treatment of individuals. He explained during the testing two individuals will approach a housing provider in a short period of time inquiring about a rental unit. He added the testers may be different races or one could have a disability and they will submit a report regarding how they are treated.

Mr. Dillman stated 10 match pair tests were conducted in the City, six for potential race discrimination and four for national origin discrimination. He added both medium and large size complexes, between 50 and 300 units were tested. He noted three of the six race tests showed a difference in treatment with all favoring the white tester over the African American tester. He commented three of the tests were inconclusive. He pointed out four national origin test was conducted and two of the tests showed differences in treatment, one test showed no difference in treatment and one test was inconclusive.

Mr. Dillman referenced two cases in which African American testers were not told about available rental units that were offered to white testers and in one case a Latino tester was not offered a rental unit that was offered to a white tester. He added in two instances discounts were offered to the white tester that was not offered to the paired tester. He stated in two cases white testers were offered tours of the property and greater service than the African American or Latino testers.

Mr. Dillman noted Legal Aid will provide continued testing and investigation of the properties that yielded affirmative results. He explained Legal Aid may file enforcement actions or fair housing complaints against the housing providers depending on the results of the follow up testing and continued investigations.

Councilmember Alexander asked if the test units were private apartment complexes. Mr. Dillman noted the testing sites were private apartment complexes with at least 50 rental units. Councilmember Miller asked if the tests were conducted in other cities. Mr. Dillman noted Legal Aid has provided the testing under contract with the City of Winston Salem and has had discussions with the City of Durham. He explained Legal Aid receives funding from the United States Department of Housing and Urban Development to conduct testing throughout North Carolina.

Councilmember Sheffield noted 10 tests were conducted in the City. Mr. Dillman agreed. Ms. Sheffield asked if 10 tests are typically conducted in cities of like size and population to Salisbury. Mr. Dillman noted comparisons can be difficult, and he added the City of Salisbury tests were proportional to those conducted in the City of Winston Salem. He pointed out a larger number of tests were conducted in Durham, Raleigh, and Greensboro. He stated Legal Aid typically conducts 110 to 150 tests per year. He pointed out the tests also include home sales and other markets. He explained it is difficult to draw a firm conclusion regarding discrimination based upon a limited number of tests. He added anytime a difference in treatment is determined it warrants follow-up actions and a potential investigation.

Councilmember Alexander asked about the racial demographics of the sites that were tested in the City. Mr. Dillman explained it would be difficult to obtain demographic information on the sites that were tested. He stated additional testing is needed to determine if the discrepancies are occurring in certain communities.

Mayor Pro Tem Post asked if funding from the City would be required to expand the testing. Mr. Dillman noted Legal Aid will continue investigations on the properties where differences in treatment and inconclusive findings were found without additional funding. He recommended education and outreach be offered to renters, homeowners, landlords and property

managers. He added it is important for people to know their rights as consumers and for landlords and property managers to know their responsibilities. Councilmember Miller asked if an analysis was conducted on the work of the Housing Advocacy Commission (HAC). Mr. Dillman stated Legal Aid has not conducted an analysis of the work of the HAC.

Ms. Gapen stated the HAC, in partnership with the Human Relations Council (HRC), has held fair housing training annually over the last several years. She added the City also partners with Salisbury Community Development Cooperation (CDC) to host fair housing training. She referenced an upcoming CDC training to be offered in July.

Councilmember Sheffield suggested the HAC explore the possibility of expanded fair housing training. Councilmember Miller commented expanded services from Legal Aid of North Carolina could also be needed and included in the discussion. He questioned what is being done to protect against bias in the testing. Mr. Dillman explained the testing methodology is approved by HUD, and he noted the test is standardized. He added the testers' training includes at least one practice test and the testers submit detailed reports of their experience.

Mayor Heggins questioned the necessity of fair housing testing. Mr. Dillman noted many people who experience housing discrimination do not realize it has taken place. He explained HUD has used fair housing testing for decades to determine when illegal discrimination is taking place.

Mayor Heggins asked about the fair housing training received by the HAC and the HRC. Ms. Gapen explained the training has varied. She noted past speakers have included North Carolina Human Relations Commission members and representatives from other municipalities who have worked in fair housing and landlord-tenant relationships.

Mayor Heggins asked what types of training HAC and HRC members receive to help them make sound recommendations to Council. Ms. Gapen noted the HAC has not received direct fair housing training from an outside professional. She added staff provides information to the Board including handouts from HUD and the State HAC.

Mayor Heggins then asked about staff's fair housing training to support the HAC and the HRC. Ms. Gapen stated she has been involved with the HAC, HUD and attended conferences regarding fair housing. Mayor Heggins asked Council to consider additional fair housing training for the HAC, HRC, and staff.

Councilmember Miller pointed out when the HAC was commissioned a lot of time was spent to educate members regarding the law and landlord-tenant rights. He agreed additional training is needed, and he noted it is an ongoing process. He thanked everyone who served the City regarding fair housing issues.

Mayor Pro Tem Post pointed out there are 4,000 to 5,000 rental units in the City and 10 tests were conducted. He added the 50% incident rate is alarming. He commented many rental units and apartment complexes were not tested. He suggested Council consider a larger sample. He pointed out training people does not solve a market problem.

Councilmember Alexander noted it is a market issue, and she asked if apartment complexes are required to send their employees to fair housing training. Mr. Dillman explained there is no Federal or State law to require a landlord or property manager to attend any type of training regarding fair housing or landlord-tenant law. He explained when Legal Aid files a fair housing complaint with HUD or the State HRC, training and monitoring are required to resolve the case. Councilmember Alexander asked if fines are imposed if someone is found guilty or does not resolve a case. Mr. Dillman noted in many cases a fine is involved.

Mr. Dillman pointed out the differences in treatment are in the private market and do not involve City staff. He explained State and local governments that receive certain types of HUD funding have an obligation to affirmatively further fair housing. He commented on fair housing education and testing helps meet the obligation. He commended the City on its work to promote fair housing.

Councilmember Miller requested Council refer the item back to the HAC and let them provide a recommendation to Council.

Councilmember Sheffield referenced the Analysis of Impediments of Fair Housing that was conducted in 2014, and she asked why it took so long for the fair housing testing to be completed. Ms. Gapen explained the Analysis of Impediments of Fair Housing is a document that includes suggested actions. She noted the City is not required to follow through on each suggested action, but it has an obligation to affirmatively further fair housing. She noted each year actions are taken to address the impediments that were called out in the report.

Mayor Heggins thanked Mr. Dillman and Ms. Gapen for their presentation.

PUBLIC COMMENT

Mayor Heggins opened the floor to receive public comments.

Mr. Jerry Shelby shared he resides in the Morlan Park area, and he expressed his support of bicycle routes.

Mr. Travis Carter expressed his concerns regarding East Spencer's increased water and sewer rates. He commented Salisbury-Rowan Utilities (SRU) provides service to surrounding communities, and he questioned the rate increases.

City Manager Lane Bailey explained the City sells water to the town of East Spencer, and he stated the Town Council sets its water and sewer rates. He added the City provides contract billing services and repairs to the water system that is covered in the \$10,000 fee referenced by Mr. Carter. He added the City owns a number of water systems in Rowan County, but it does not own East Spencer's water system.

Mayor Heggins asked if East Spencer rates are based on what the City charges the town for its water and sewer services.

Salisbury-Rowan Utilities Director Jim Behmer stated the Town of East Spencer owns its water system and purchases water from the City. He added the City receives East Spencer's waste water based on the same rate provided to City citizens.

Mayor Heggins asked if the \$10,000 fee is a monthly charge. Mr. Behmer commented East Spencer is charged \$10,000 a month for an operational fee based on economies of scale. He noted the fee includes services for meter reading, billing, and administrative services.

Mr. Rodney Queen shared concerns regarding the City's Land Development Ordinance, (LDO) and he asked Council to consider reviewing the process and policies.

Mayor Pro Tem Post asked Mr. Bailey if the Planning Board would review the (LDO) and report back to Council.

Ms. Levonia Corry expressed her concerns regarding a shortage of police officers, and she shared she was a recent victim of theft.

Mayor Heggins asked Police Chief Jerry Stokes to address Ms. Corry's concerns regarding the Police Department.

Police Chief Jerry Stokes commented a 911 call could require multiple or all available Police officers. He commented low priority calls may be held and could have been the reason officers were not available to be dispatched to Ms. Corry's. Mayor Heggins reminded staff to take the time to address citizens and their needs.

Ms. Dottie Hoy shared her opposition in the removal of a traffic light at the intersection of Fulton and South Main Streets.

Ms. Jessica Cash indicated she is a teacher at Overton Elementary School, and she shared student's ideas for a recycled playground.

Mr. Geoffrey Hoy expressed a concern regarding the removal of the traffic light at Fulton and Main Streets, and he added he would like Salisbury Housing Advocacy brochures to be made available at City Hall.

Mr. Kim Porter expressed his concerns for the removal of the traffic light at the intersection of Fulton and South Main Streets.

Mr. Tenkomenin Crowder presented Council with an idea to incorporate motorsport opportunities in the area.

Mr. Holden Hughley asked if Duke Energy had requested fracking in the area and if tariffs would affect Salisbury businesses or its citizens.

There being no one else to address Council, Mayor Heggins closed the public comment session.

RECESS

Mayor Heggins made a **motion** to take a six minute recess. All Councilmembers in attendance agreed unanimously to recess.

The meeting reconvened at 7:17 p.m.

LAND DEVELOPMENT ORDINANCE AND DISTRICT MAP AMENDMENT CD-02-2018 – REZONE MARGIN OF EARNHARDT ROAD

Planning and Community Development Manager Preston Mitchell addressed Council regarding Land Development District Map Amendment CD-01-2018. He noted Council held a public hearing at its June 5, 2018 meeting. He commented the developer and citizens met Wednesday, June 13, 2018, at Rowan-Cabarrus Community College to address issues and concerns, and made revisions to the development plan. He noted the request to rezone to General Residential (GR) is a down-zone. He indicated Drummond Village Phase 2 will now be named Earnhardt Road Subdivision. He noted a gate would be erected to prohibit construction traffic until Phase 1 plats are recorded.

Mayor Pro Tem Post suggested public notices be expanded into neighborhoods. Mr. Mitchell commented public notice perimeters could be extended from 100-feet to 500-feet but would require an Ordinance to approve extensions. He indicated three forms of notifications are provided with sign placement, newspaper ads, and distributing certified letters.

Councilmember Sheffield thanked Truehomes, LLC and the residents of Drummond Village for working together to create a solution that satisfied both parties.

Councilmember Miller stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property described herein from UR-12 to GR-6 district and establishing a Conditional District (CD) Overlay is reasonable and in the public interest as the proposal defines and confirms a previously-authorized land use and development type while creating a more consistent zoning pattern, and is fundamentally consistent with the Vision 2020 Comprehensive Plan's primary growth, infrastructure, open space, and future neighborhood policies guiding how and where new neighborhoods should be considered, while partially inconsistent with the Residential Architecture & Site Design policies addressing house and access design. Therefore, Councilmember Miller made a **motion** to adopt an Ordinance amending the Land Development Ordinance and the Land Development District Map of the City of Salisbury, North Carolina, by rezoning one parcel, approximately 31 acres, in the 300 block of Earnhardt Road from Urban Residential to General Residential District and establishing a Conditional District Overlay to permit the development of a 150-lot subdivision. Councilmember seconded

the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Post voted in AYE. (5-0)

ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, REZONING ONE PARCEL, APPROXIMATELY 31 ACRES, IN THE 300 BLOCK OF EARNHARDT ROAD FROM URBAN RESIDENTIAL TO GENERAL RESIDENTIAL DISTRICT AND ESTABLISHING A CONDITIONAL DISTRICT OVERLAY TO PERMIT THE DEVELOPMENT OF A 150-LOT SUBDIVISION

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 61-62, and is known as Ordinance 2018-26.)

VOLUNTARY ANNEXATION – DRUMMOND VILLAGE PHASE 2

City Engineer Wendy Brindle commented the County tax office has requested the voluntary annexation be recorded by June 30, 2018 or December 31, 2018. She commented the proposed annexation pertains to the subdivision of Drummond Village located off Earnhardt Road. She noted once the development is complete the department will return to Council to request acceptance of street maintenance.

Mayor Pro Tem Post asked about the acreage difference between the zoning and annexation. Ms. Brindle noted the annexation acreage is based on surveying.

Thereupon, Councilmember Miller made a **motion** to adopt an Ordinance to extend the corporate limits of the City of Salisbury, North Carolina, to include 29.574 acres, tax map 065 parcel 431, Drummond Village Phase 2. Councilmember Miller seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

Thereupon, Councilmember Alexander made a **motion** to amend the adopted Ordinance to include June 30, 2018. Councilmember Miller seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF SALISBURY, NORTH CAROLINA, TO INCLUDE 29.574 ACRES, TAX MAP 065 PARCEL 431.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 63-65, and is known as Ordinance 2018-27.)

REPORT – CHEERWINE FESTIVAL

Events Coordinator Vivian Koontz presented Council with a 2018 Cheerwine Festival report. She noted the festival had 25 art and craft vendors that sold Cheerwine inspired

merchandise, 18 food vendors with Cheerwine inspired foods, five beer vendors from the area, F&M Bank kid zone, and a stage sponsored by Hotwire, LLC. She commented a combined 65 community members and staff volunteered to work the event. She announced the 2019 Cheerwine Festival will be held May 18, 2019.

Councilmember Miller commended staff on a job well done.

Parks and Recreation Director Nick Aceves commented Cheerwine raised an estimated \$5,000 for Rowan Helping Ministries.

Councilmember Alexander noted aluminum cans were recycled and proceeds were donated to Faithful Friends Animal Sanctuary. She stated Hotwire was a major sponsor of the Cheerwine Festival.

Mayor Heggins commended staff and the community for their work to make the Cheerwine Festival a success.

BUDGET FY2018 – 2019

Senior Management Analyst Anna Bumgarner addressed Council regarding the FY2018-2019 budget. Councilmember Alexander asked if the budget includes Council's suggested changes. Ms. Bumgarner noted three versions were provided to Council with Stormwater options.

Councilmember Sheffield thanked Finance staff for providing solutions to Council in a short amount of time and commented she was not in favor of increasing Stormwater rates.

Councilmember Alexander asked if projects are affected if delayed and completed in sections verse a single project. Finance Director Shannon Moore commented the delay could affect projects once bids are opened.

Ms. Moore commented the McCoy Road Rehabilitation special project is currently in the design phase and staff looks to receive bids late winter of 2018 or late spring of 2019. She noted the project can be paid over two fiscal years.

Councilmember Sheffield noted she would be in favor of the version that would continue to decrease water rates for residential dwellings. Councilmember Miller and Councilmember Alexander indicated they would also be in favor of that version.

Mayor Pro Tem Post asked how many taxpayers would exceed the proposed \$2,500 cap. Ms. Moore indicated two businesses would be affected by the cap.

Ms. Moore commented there are \$1.375 million of Stormwater projects. She noted water and sewer rates are not expected to decrease due to the number of future Stormwater projects, and she added Stormwater projects are addressed based on the critical needs.

Councilmember Miller noted the systems are not mapped and asked if an analysis could be performed to determine Stormwater needs. He noted projects could be financed over separate fiscal years. City Manager Lane Bailey noted staff is researching options such as an enterprise loan and he commented FY2019 tax bills would include increased rates and would be paid with property taxes.

Councilmember Alexander commented she is in favor of version three of the proposed budget and noted its \$1 decrease. Ms. Moore commented the City would have better collection rates if the increase was added to tax bills versus citizens' water and sewer bill.

Mayor Pro Tem Post asked about parcels that exceed the \$2,200 capped amount. Ms. Moore commented the particular parcel that could be affected by the capped amount is the largest parcel in the City. Mayor Pro Tem Post asked how much the payment would be without the capped amount. Ms. Moore indicated the \$4 charge would have a payment of \$3,832 and the \$3.75 not capped and would include a payment of \$3,592.50.

Councilmember Sheffield noted the perception should be that the City is open for business to attract potential investors for the community and citizens.

Thereupon, Councilmember Alexander made a **motion** to adopt version three of the budget Ordinance of the City of Salisbury for the fiscal year beginning July 1, 2018, and ending June 30, 2019. Councilmember Miller seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander and Miller voted AYE. Councilmember Sheffield voted NAY. (4-1)

City Manager Lane Bailey announced the Finance Department was professionally recognized for its work and received the Government Finance Officers Association (GFOA) award for FY2017-2018.

Thereupon, Councilmember Alexander made a **motion** to adopt the budget Ordinance of the City of Salisbury for the fiscal year beginning July 1, 2018, and ending June 30, 2019. Mayor Pro Tem Post seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, Sheffield voted AYE. (5-0)

BUDGET ORDINANCE OF THE CITY OF SALISBURY FOR THE FISCAL YEAR BEGINNING JULY 1, 2018, AND ENDING JUNE 30, 2019.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 66-83 and is known as Ordinance 2018-28.)

BOARDING OF DETERIORATED, VACANT, AND ABANDONED STRUCTURES

Code Enforcement Officer Michael Cotilla presented Council with four deteriorated, vacant, and abandoned structures for consideration to board the structures.

Mr. Cotilla reviewed property located at 410 Vance Avenue and he commented a public notice was mailed and no one attended the public hearing. He noted the property has been gutted. He commented he has had several conversations with the property owner and he noted the property owner has not cooperated with the department. He indicated the property has had several calls that included illegal occupancy and trespassing.

Mr. Cotilla reviewed property located at 427 East Cemetery Street and he commented a certified public notice was mailed and no one attended the public hearing. He noted the property's windows and back door have been broken. He indicated the property has had several calls with illegal occupancy and trespassing.

Mr. Cotilla reviewed property located at 623 Forney Street and he indicated a public notice was mailed and no one attended the public hearing. He commented the home is unsecure with window and front door access.

Mr. Cotilla reviewed property located at 918 Newsome Road and he commented a public notice was mailed and no one attended the public hearing. He noted unsecured access to the property's crawlspace, front door, and windows.

Councilmember Miller asked how Code Enforcement chooses to board a property rather than demolish it. Mr. Cotilla noted the properties are concerned to be in a deteriorated state and not dilapidated.

Mayor Pro Tem Post asked how long structures stay boarded. Mr. Cotilla noted Code Enforcement is normally able to work with property owners to secure structures.

Mayor Heggins asked if these properties are owned by people that live in Salisbury. Mr. Cotilla noted two are in foreclosure and belong to a bank. He indicated 410 Vance Avenue and 918 Newsome Road are not owned by residents of Salisbury.

Councilmember Sheffield asked about the cost the City incurs when boarding a property. Mr. Cotilla commented boarding cost may vary and noted invoices are issued with a remittance of 10 days. He noted once the 10 days expire amounts are turned over to the Rowan County for a property lien.

Councilmember Miller asked about the total cost to the City for each property. Mr. Cotilla commented he did not have an exact amount and he noted the City has mowed the property located at 410 Vance Avenue every two and a half weeks for the past two years. Councilmember Miller asked when properties are presented to Council with a request to board and secure if an amount could be included with how much the City has spent.

City Manager commented a report would be provided to Council with an increased nuisance cost and noted charges for mowing services and cost incurred for each property could be included in the report.

Mayor Heggins asked if these structures would include the increased nuisance charge. Planning and Community Development Manager Preston Mitchell commented the State law requires the amount charged to the property to be the same amount charged for contracted services. He noted through the Ordinance process a \$125 mobilization fee with an additional initial citation fee of \$50 and a second citation fee of \$100. He noted fees did not increase from \$40 to \$350. He noted violation fees increased due to City mowing expenses. He noted once a home is properly boarded and is recorded with the registration program.

Mayor Heggins asked if signs are placed in yards. Mr. Mitchell noted a yard sign and a certified letter is sent to property owners, and he noted yard signage has been very effective.

Mayor Pro Tem Post asked if the City could perform tax foreclosures after the 90 day registration period expires. City Manager Lane Bailey noted previous conversations with County Manager Aaron Church regarding property registration, and he commented more discussion could be had.

Councilmember Miller suggested the new City Attorney review options for the nuisance policy. He asked if the end of the third calendar quarter would be enough time to report back to Council with a review or recommendations.

Thereupon, Councilmember Miller made a **motion** to adopt an Ordinance to order the boarding and securing of a deteriorated, vacant, and abandoned dwelling located at 623 Forney Street in the City of Salisbury. Councilmember Sheffield seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, Sheffield voted AYE. (5-0)

ORDINANCE TO ORDER THE BOARDING AND SECURING OF A DETERIORATED VACANT, AND ABANDONED DWELLING LOCATED AT 623 FORNEY STREET IN THE CITY OF SALISBURY, NORTH CAROLINA

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 84 and is known as Ordinance 2018-29.)

Thereupon, Councilmember Miller made a **motion** to adopt an Ordinance to order the boarding and securing of a deteriorated, vacant, and abandoned dwelling located at 427 East Cemetery Street in the City of Salisbury. Councilmember Sheffield seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, Sheffield voted AYE. (5-0)

ORDINANCE TO ORDER THE BOARDING AND SECURING OF A DETERIORATED VACANT, AND ABANDONED DWELLING LOCATED AT 427 EAST CEMETERY STREET IN THE CITY OF SALISBURY, NORTH CAROLINA

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 85 and is known as Ordinance 2018-30.)

Thereupon, Councilmember Miller made a **motion** to adopt an Ordinance to order the boarding and securing of a deteriorated, vacant, and abandoned dwelling located at 918 Newsome Road in the City of Salisbury. Councilmember Sheffield seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, Sheffield voted AYE. (5-0)

ORDINANCE TO ORDER THE BOARDING AND SECURING OF A DETERIORATED VACANT, AND ABANDONED DWELLING LOCATED AT 918 NEWSOME ROAD IN THE CITY OF SALISBURY, NORTH CAROLINA

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 86 and is known as Ordinance 2018-31.)

Thereupon, Councilmember Miller made a **motion** to adopt an Ordinance to order the boarding and securing of a deteriorated, vacant, and abandoned dwelling located at 410 Vance Avenue in the City of Salisbury. Councilmember Sheffield seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, Sheffield voted AYE. (5-0)

ORDINANCE TO ORDER THE BOARDING AND SECURING OF A DETERIORATED VACANT, AND ABANDONED DWELLING LOCATED AT 410 VANCE AVENUE IN THE CITY OF SALISBURY, NORTH CAROLINA

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 87 and is known as Ordinance 2018-32.)

BOARDS AND COMMISSIONS

Parks and Recreation Advisory Board

Upon a motion by Councilmember Alexander, seconded by Councilmember Miller. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voting AYE, the following appointment was made to the Parks and Recreation Advisory Board Commission for a term to begin March 31, 2018.

Mr. Jon Post

Term Expires 3/31/21

CITY MANAGER'S REPORT

(a) Property 110 North Main Street

City Manager Lane Bailey addressed Council regarding an offer of \$115,000 to purchase the property at 110 North Main Street. He stated the property appraised for \$240,000 in 2015, and he commented because of the property's appraised value and potential tenants he would recommend that Council decline the \$115,000 offer.

Thereupon, Councilmember Miller made a **motion** to deny the offer of \$115,000 for the purchase of property located at 110 North Main Street. Councilmember Alexander seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

ANNOUNCEMENTS

Communications Director Linda McElroy announced Downtown Salisbury, Inc. will host the Gallery Gallop in Downtown Salisbury on Friday, June 22, 2018 from 5:00 p.m. until 9:00 p.m. It will feature sidewalk artist vendors in front of participating businesses. The event is free to the public. For more information, please call 704-637-7814.

Communications Director Linda McElroy announced applications are now being accepted for the 2018 Salisbury Citizen's Academy. The academy is a 10-week program that meets each Thursday evening from 5:30 p.m. until 8:30 p.m. beginning September 6 and ending with graduation November 1. Participants will meet at various city facilities and have an inside view of City operations. Applications are available online at salisburync.gov/citizens-academy or by calling Kelly Baker at (704) 638-5233. All applications must be received by July 31.

Communications Director Linda McElroy announced the Salisbury Parks and Recreation will hold the Salisbury Summer Skate Jam on Go Skateboarding Day Thursday, June 21, 2018, at the Salisbury Civic Center from 6:00 p.m. until 9:00 p.m. There will be food, music, prizes, and skate apparatus. Protective gear in the form of a helmet, elbow, and knee pads are mandatory. All are invited and encouraged to bring a friend! The event is free and open to the public. For more information, please call (704) 638-5275.

Communications Director Linda McElroy announced The Salisbury Parks and Recreation will hold Movies in the Park on Friday, June 22, 2018 at City Park. The movie, Leap, will begin at 9:00 pm. Concessions will be available for purchase. Bring a blanket or a chair and enjoy fun family time. This event is free and open to the public. For more information, please call (704) 216-PLAY.

COUNCIL COMMENTS

Councilmember Miller announced a Golf Cart Ordinance meeting will be held Thursday, June 19, 2018 located at 1 Water Street.

Councilmember Sheffield announced an Election Process Committee meeting will be held Wednesday, June 27, 2018 at 5:30 p.m. located at 1 Water Street.

Councilmember Sheffield encouraged Citizens to participate in Citizens Academy and asked Council to consider a discussion regarding early Council meeting start times and public comment. She thanked the Salisbury-Rowan National Association of Colored People (NAACP) for hosting the Juneteenth Celebration.

MAYOR PRO TEM COMMENTS

Mayor Pro Tem Post wished everyone a happy 4th of July.

MAYOR'S COMMENTS

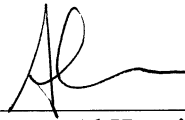
Mayor Heggins commended the Salisbury-Rowan National Association of Colored People (NAACP) for sponsoring the 23rd Annual Juneteenth Celebration.

CLOSED SESSION

This item has been postponed.

ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Alexander and seconded by Mayor Pro Tem Post. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 8:40 p.m.



Al Heggins, Mayor



Diane Gilmore, City Clerk